

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DENHOLLANDER, et al.)	
	)	Lead Case No. 1:17-cv-00029-GJQ-ESC
Plaintiffs,	)	and the following consolidated member
	)	cases:
v.)	
	)	1:17-cv-00222-GJQ-ESC
MICHIGAN STATE UNIVERSITY,	)	1:17-cv-00244-GJQ-ESC
et al.,	)	1:17-cv-00254-GJQ-ESC
	)	1:17-cv-00257-GJQ-ESC
Defendants.	)	1:17-cv-00288-GJQ-ESC
	)	1:17-cv-00349-GJQ-ESC
	)	1:17-cv-00676-GJQ-ESC
	)	1:17-cv-00684-GJQ-ESC
	)	1:18-cv-00172-GJQ-ESC
	)	1:18-cv-00173-GJQ-ESC
	)	1:18-cv-00174-GJQ-ESC
	)	1:18-cv-00188-GJQ-ESC
	)	1:18-cv-00256-GJQ-ESC
	)	1:18-cv-00377-GJQ-ESC
	)	1:18-cv-00385-GJQ-ESC
	)	1:18-cv-00397-GJQ-ESC
	)	1:18-cv-00433-GJQ-ESC
	)	1:18-cv-00452-GJQ-ESC
	)	1:18-cv-00491-GJQ-ESC
	)	1:18-cv-00494-GJQ-ESC
	)	1:18-cv-00965-GJQ-ESC
	)	1:18-cv-01029-GJQ-ESC
	)	1:18-cv-01037-GJQ-ESC
	)	1:18-cv-01041-GJQ-ESC
	)	1:18-cv-01044-GJQ-ESC
	)	1:18-cv-01049-GJQ-ESC
	)	1:18-cv-01051-GJQ-ESC
	)	1:18-cv-01052-GJQ-ESC
	)	1:18-cv-01059-GJQ-ESC
)	
	)	Hon. Gordon J. Quist
)	

**STIPULATED ORDER CLARIFYING
ORDER REGARDING VOLUNTARY DISMISSALS (ECF NO. 390)**

Defendants Michigan State University, the Board of Trustees of Michigan State University, Michigan State University Sports Medicine Clinic, Douglas Dietzel, Kathie Klages, Jeffrey Kovan, Brooke Lemmen, Kristine Moore, Lou Anna K. Simon, Gary Stollak, William Strampel, and Destiny Teachnor-Hauk (collectively, the “MSU Defendants”), together with Plaintiffs with pending settled claims against the MSU Defendants (collectively, the “Settling Plaintiffs,” and together with the MSU Defendants, the “Stipulating Parties”), state as follows:

On September 28, 2018 the Court issued an Order Regarding Voluntary Dismissals (ECF No. 390, PageID.17773-74). It appears that Paragraph 3 of the Order dismissed without prejudice numerous claims against the MSU Defendants that were filed at the time that some of the Settling Plaintiffs re-filed claims against Defendants USA Gymnastics, Inc., Twistars USA, Inc., and John Geddert as allowed by the Court’s September 7, 2018 Order Granting Plaintiffs’ Motion to Dismiss Claims Without Prejudice Against Defendants USA Gymnastics, Inc., Twistars USA, Inc., and John Geddert and Immediately Re-File Claims (ECF No. 368, PageID.17396-99).

The Settling Plaintiffs who already had actions pending against Defendants USA Gymnastics, Inc., Twistars USA, Inc., and John Geddert did, in fact, re-file their claims in new complaints (the “Re-Filed Complaints”). In addition, in certain of the Re-Filed Complaints, some of the Settling Plaintiffs initiated actions against the MSU Defendants for the very first time. These previously unfiled Settling Plaintiffs were known to the MSU Defendants at the time of settlement and are included in the settlement agreement between the Settling Plaintiffs and the MSU Defendants. One of the negotiated

conditions of the settlement agreement is for all of the previously unfiled Settling Plaintiffs to “formalize his or her claims against the MSU Defendants by filing a complaint in the Michigan Court and consolidating such complaint with lead case *Denhollander, et al. v. Michigan State University, et al.*, No. 17-cv-00029 (W.D. Mich.), or by amending a currently-operative complaint in the Michigan Court Actions to add his or her unfiled claims, thereby submitting to the Michigan Court’s jurisdiction and the Allocation Process.” (ECF 298-2, PageID.14537).

Due to the fact that the Settling Plaintiffs would be re-filing claims against Defendants USA Gymnastics, Inc., Twistars USA, Inc., and John Geddert as a result of ECF No. 368, some plaintiff law firms satisfied this condition of the settlement agreement by filing their previously unfiled claims of the Settling Plaintiffs against the MSU Defendants at the same time that they re-filed their Gymnast Plaintiffs’ claims in an effort to attempt to reduce the number of actions that would need to be consolidated with the lead case. Others filed separate actions in an attempt to alert the Court that the filings were indeed separate from the re-filed cases.

Thus, the claims against the MSU Defendants in the Re-Filed Complaints are not duplicative of previously pending actions and all Stipulating Parties agree that these claims should remain pending until such time that they are dismissed with prejudice in accordance with the terms of the parties’ settlement agreement. The Settling Plaintiffs and the MSU Defendants stipulate to set aside any dismissals without prejudice that have been entered or may have impacted the lead case or any of the above-listed consolidated member cases in furtherance of satisfying the necessary conditions of the settlement.

Pursuant to the parties' above stipulation, the Court enters the following Order:

1. The Order Regarding Voluntary Dismissals (ECF No. 390) shall not apply to the lead case or any of the consolidated member cases listed on the first page of this order.

SO ORDERED on October 4, 2018.

/s/ Gordon J. Quist
Gordon J. Quist
U.S. District Judge

Dated: October 2, 2018

APPROVED AS TO FORM:

<p><u>/s/ John Manly</u> John Manly Manly, Stewart & Finaldi 19100 Von Karman Ave., Ste. 800 Irvine, CA 92612 (949) 252-9990</p> <p><u>/s/ Stephen R. Drew</u> Stephen R. Drew (P24323) Drew Cooper & Anding 80 Ottawa Ave., NW, Ste. 200 Grand Rapids, MI 49503 (616) 454-8300</p> <p><i>Attorneys for Plaintiffs</i> Lead Case No.: 1:17-cv-00029-GJQ-ESC Member Case Nos.: 1:18-cv-00172-GJQ-ESC 1:18-cv-01051-GJQ-ESC</p>	<p><u>/s/ Amy L. Van Gelder</u> Amy L. Van Gelder Jessica A. Frogge Skadden Arps Slate Meagher & Flom LLP 155 N Wacker Dr., Ste. 2700 Chicago, IL 60606-1720 (312) 407-0700</p> <p><u>/s/ Scott R. Eldridge</u> Scott R. Eldridge (P66452) Miller Canfield Paddock & Stone PLC One Michigan Ave., Ste. 900 Lansing, MI 48933 (517) 487-2070</p> <p><i>Attorneys for Defendants Michigan State University, Michigan State University Board of Trustees, and Michigan State University Sports Medicine Clinic</i></p>
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<p><u>/s/ James F. Graves</u> James F. Graves (P14288) Sinas Dramis Brake Boughton & McIntyre PC 3380 Pine Tree Rd. Lansing, MI 48911 (517) 394-7500</p> <p><i>Attorney for Plaintiffs</i> Member Case No.: 1:17-cv-00254-GJQ-ESC 1:18-cv-01041-GJQ-ESC</p>	<p><u>/s/ Scott L. Feuer</u> Scott L. Feuer (P38185) Law Offices of Scott L. Feuer PC 888 W Big Beaver Rd., Ste. 850 Troy, MI 48084 (248) 723-7828</p> <p><i>Attorney for Defendant Gary Stollak</i></p>
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<p><i>Attorney for Plaintiffs</i> Member Case Nos.: 1:17-cv-00676-GJQ-ESC 1:18-cv-00965-GJQ-ESC 1:18-cv-01037-GJQ-ESC</p>	<p><i>Attorney for Defendants Kathie Klages, Douglas Dietzel, and Destiny Teachnor-Hauk</i></p>
<p><u>/s/ Steven C. Hurbis</u> Steven C. Hurbis (P80993) McKeen & Associates, P.C. 645 Griswold St., Suite 4200 Detroit, MI 48226 (313) 961-4400</p> <p><i>Attorney for Plaintiff</i> Member Case Nos.: 1:17-cv-00684-GJQ-ESC 1:18-cv-01044-GJQ-ESC</p>	<p><u>/s/ Fred K. Herrmann</u> Fred K. Herrmann (P49519) Kerr Russell & Weber PLC 500 Woodward Ave., Ste. 2500 Detroit, MI 48226-3427 (313) 961-0200</p> <p><i>Attorney for Defendants Dr. Brooke Lemmen and Dr. Jeffrey Kovan</i></p>
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